

SECOND REGULAR SESSION

# HOUSE BILL NO. 1977

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES OXFORD (Sponsor), SCHUPP, PACE, ATKINS,  
CARLSON AND WALTON GRAY (Co-sponsors).

5271L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 208.912, 210.115, 210.150, 565.188, 660.263, and 660.300, RSMo, and to enact in lieu thereof seven new sections relating to the reporting of cruelty to animals, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 208.912, 210.115, 210.150, 565.188, 660.263, and 660.300, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 208.912, 210.115, 210.150, 210.1075, 565.188, 660.263, and 660.300, to read as follows:

208.912. 1. When any adult day care worker; chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; vendor as defined in section 208.900; personal care attendant; or social worker has reasonable cause to believe that a consumer has been abused or neglected as defined in section 660.250 as a result of the delivery of or failure to deliver personal care assistance services, he or she shall immediately report or cause a report to be made to the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 department. If the report is made by a physician of the consumer, the department shall maintain  
15 contact with the physician regarding the progress of the investigation.

16       2. When a report of deteriorating physical condition resulting in possible abuse or  
17 neglect of a consumer is received by the department, the department's case manager and the  
18 department nurse shall be notified. The case manager shall investigate and immediately report  
19 the results of the investigation to the department nurse.

20       3. If requested, local area agencies on aging shall provide volunteer training to those  
21 persons listed in subsection 1 of this section regarding the detection and reporting of abuse and  
22 neglect under this section.

23       4. Any person required in subsection 1 of this section to report or cause a report to be  
24 made to the department who fails to do so within a reasonable time after the act of abuse or  
25 neglect is guilty of a class A misdemeanor.

26       5. The report shall contain the names and addresses of the vendor, the personal care  
27 attendant, and the consumer, and information regarding the nature of the abuse or neglect, the  
28 name of the complainant, and any other information which might be helpful in an investigation.

29       6. In addition to those persons required to report under subsection 1 of this section, any  
30 other person, **including but not limited to an animal control officer**, having reasonable cause  
31 to believe that a consumer has been abused or neglected by a personal care attendant may report  
32 such information to the department.

33       7. If the investigation indicates possible abuse or neglect of a consumer, the investigator  
34 shall refer the complaint together with his or her report to the department director or his or her  
35 designee for appropriate action. If, during the investigation or at its completion, the department  
36 has reasonable cause to believe that immediate action is necessary to protect the consumer from  
37 abuse or neglect, the department or the local prosecuting attorney may, or the attorney general  
38 upon request of the department shall, file a petition for temporary care and protection of the  
39 consumer in a circuit court of competent jurisdiction. The circuit court in which the petition is  
40 filed shall have equitable jurisdiction to issue an ex parte order granting the department authority  
41 for the temporary care and protection of **the** consumer, for a period not to exceed thirty days.

42       8. Reports shall be confidential, as provided under section 660.320.

43       9. Anyone, except any person who has abused or neglected a consumer, who makes a  
44 report pursuant to this section or who testifies in any administrative or judicial proceeding arising  
45 from the report shall be immune from any civil or criminal liability for making such a report or  
46 for testifying, except for liability for perjury, unless such person acted negligently, recklessly,  
47 in bad faith, or with malicious purpose.

48           10. Within five working days after a report required to be made under this section is  
49 received, the person making the report shall be notified of its receipt and of the initiation of the  
50 investigation.

51           11. No person who directs or exercises any authority as a vendor, and no personal care  
52 attendant, shall harass, dismiss or retaliate against a consumer because he or she or any member  
53 of his or her family has made a report of any violation or suspected violation of laws, standards  
54 or regulations applying to the vendor or personal care attendant which he or she has reasonable  
55 cause to believe has been committed or has occurred.

56           12. The department shall place on the employee disqualification list established in  
57 section 660.315 the names of any persons who have been finally determined by the department  
58 to have recklessly, knowingly or purposely abused or neglected a consumer while employed by  
59 a vendor, or employed by a consumer as a personal care attendant.

60           13. The department shall provide the list maintained pursuant to section 660.315 to  
61 vendors as defined in section 208.900.

62           14. Any person, corporation or association who received the employee disqualification  
63 list under subsection 13 of this section, or any person responsible for providing health care  
64 service, who declines to employ or terminates a person whose name is listed in this section shall  
65 be immune from suit by that person or anyone else acting for or in behalf of that person for the  
66 failure to employ or for the termination of the person whose name is listed on the employee  
67 disqualification list.

68           **15. (1) Notwithstanding any other provision of state law imposing a duty of**  
69 **confidentiality, a person listed in subsection 1 of this section may report a reasonable**  
70 **suspicion of animal cruelty, abuse, or neglect to the local animal control officer or to the**  
71 **state department of agriculture.**

72           **(2) For purposes of this subsection, the reporter shall disclose only such limited**  
73 **confidential information as is necessary for the local animal control officer or animal**  
74 **welfare program employee to identify the animal's location and status and the owner's**  
75 **name and address.**

76           **(3) For purposes of this subsection, "cruelty, abuse, or neglect" means every act,**  
77 **omission or instance of neglect when unnecessary or unjustifiable pain or suffering is**  
78 **caused or permitted.**

79           **(4) A person participating in good faith in reporting under this subsection is**  
80 **immune from any civil or criminal liability that may otherwise result from such actions,**  
81 **including, but not limited to, any civil or criminal liability that may otherwise arise under**  
82 **state or local laws or rules regarding confidentiality of information. In a proceeding**  
83 **regarding immunity from liability, there is a rebuttable presumption of good faith.**

210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report or cause a report to be made to the division in accordance with the provisions of sections 210.109 to 210.183. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. Whenever such person is required to report pursuant to sections 210.109 to 210.183 in an official capacity as a staff member of a medical institution, school facility, or other agency, whether public or private, the person in charge or a designated agent shall be notified immediately. The person in charge or a designated agent shall then become responsible for immediately making or causing such report to be made to the division. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

4. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person, **including but not limited to an animal control officer**, may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

5. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age

37 of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to  
38 the appropriate medical examiner or coroner. If, upon review of the circumstances and medical  
39 information, the medical examiner or coroner determines that the child died of natural causes  
40 while under medical care for an established natural disease, the coroner, medical examiner or  
41 physician shall notify the division of the child's death and that the child's attending physician  
42 shall be signing the death certificate. In all other cases, the medical examiner or coroner shall  
43 accept the report for investigation, shall immediately notify the division of the child's death as  
44 required in section 58.452 and shall report the findings to the child fatality review panel  
45 established pursuant to section 210.192.

46 6. Any person or individual required to report may also report the suspicion of abuse or  
47 neglect to any law enforcement agency or juvenile office. Such report shall not, however, take  
48 the place of reporting or causing a report to be made to the division.

49 7. If an individual required to report suspected instances of abuse or neglect pursuant to  
50 this section has reason to believe that the victim of such abuse or neglect is a resident of another  
51 state or was injured as a result of an act which occurred in another state, the person required to  
52 report such abuse or neglect may, in lieu of reporting to the Missouri division of family services,  
53 make such a report to the child protection agency of the other state with the authority to receive  
54 such reports pursuant to the laws of such other state. If such agency accepts the report, no report  
55 is required to be made, but may be made, to the Missouri division of family services.

56 **8. (1) Notwithstanding any other provision of state law imposing a duty of**  
57 **confidentiality, a person listed in subsection 1 of this section may report a reasonable**  
58 **suspicion of animal cruelty, abuse, or neglect to the local animal control officer or to the**  
59 **state department of agriculture.**

60 **(2) For purposes of this subsection, the reporter shall disclose only such limited**  
61 **confidential information as is necessary for the local animal control officer or animal**  
62 **welfare program employee to identify the animal's location and status and the owner's**  
63 **name and address.**

64 **(3) For purposes of this subsection, "cruelty, abuse, or neglect" means every act,**  
65 **omission or instance of neglect when unnecessary or unjustifiable pain or suffering is**  
66 **caused or permitted.**

67 **(4) A person participating in good faith in reporting under this subsection is**  
68 **immune from any civil or criminal liability that may otherwise result from such actions,**  
69 **including, but not limited to, any civil or criminal liability that may otherwise arise under**  
70 **state or local laws or rules regarding confidentiality of information. In a proceeding**  
71 **regarding immunity from liability, there is a rebuttable presumption of good faith.**

210.150. 1. The children's division shall ensure the confidentiality of all reports and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim, the children's division shall establish guidelines which will ensure that any disclosure of information concerning the abuse and neglect involving that child is made only to persons or agencies that have a right to such information. The division may require persons to make written requests for access to records maintained by the division. The division shall only release information to persons who have a right to such information. The division shall notify persons receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the information is released and of the penalties for unauthorized dissemination of information. Such information shall be used only for the purpose for which the information is released.

2. Only the following persons shall have access to investigation records contained in the central registry:

(1) Appropriate federal, state or local criminal justice agency personnel, or any agent of such entity, with a need for such information under the law to protect children from abuse or neglect;

(2) A physician or a designated agent who reasonably believes that the child being examined may be abused or neglected;

(3) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services for a child referred to the provider;

(4) Any child named in the report as a victim, or a legal representative, or the parent, if not the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(5) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be

37 in danger, the identifying information shall not be released. However, the investigation reports  
38 will not be released to any alleged perpetrator with pending criminal charges arising out of the  
39 facts and circumstances named in the investigation records until an indictment is returned or an  
40 information filed;

41 (6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved  
42 in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or  
43 neglect or child protective proceedings or child custody proceedings, and other federal, state and  
44 local government entities, or any agent of such entity, with a need for such information in order  
45 to carry out its responsibilities under the law to protect children from abuse or neglect;

46 (7) Any person engaged in a bona fide research purpose, with the permission of the  
47 director; provided, however, that no information identifying the child named in the report as a  
48 victim or the reporters shall be made available to the researcher, unless the identifying  
49 information is essential to the research or evaluation and the child named in the report as a victim  
50 or, if the child is less than eighteen years of age, through the child's parent, or guardian provides  
51 written permission;

52 (8) Any child-care facility; child-placing agency; residential-care facility, including  
53 group homes; juvenile courts; public or private elementary schools; public or private secondary  
54 schools; or any other public or private agency exercising temporary supervision over a child or  
55 providing or having care or custody of a child who may request an examination of the central  
56 registry from the division for all employees and volunteers or prospective employees and  
57 volunteers, who do or will provide services or care to children. Any agency or business  
58 recognized by the division or business which provides training and places or recommends people  
59 for employment or for volunteers in positions where they will provide services or care to children  
60 may request the division to provide an examination of the central registry. Such agency or  
61 business shall provide verification of its status as a recognized agency. Requests for  
62 examinations shall be made to the division director or the director's designee in writing by the  
63 chief administrative officer of the above homes, centers, public and private elementary schools,  
64 public and private secondary schools, agencies, or courts. The division shall respond in writing  
65 to that officer. The response shall include information pertaining to the nature and disposition  
66 of any report or reports of abuse or neglect revealed by the examination of the central registry.  
67 This response shall not include any identifying information regarding any person other than the  
68 alleged perpetrator of the abuse or neglect;

69 (9) Any parent or legal guardian who inquires about a child abuse or neglect report  
70 involving a specific person or child-care facility who does or may provide services or care to a  
71 child of the person requesting the information. Request for examinations shall be made to the  
72 division director or the director's designee, in writing, by the parent or legal guardian of the child

73 and shall be accompanied with a signed and notarized release form from the person who does  
74 or may provide care or services to the child. The notarized release form shall include the full  
75 name, date of birth and Social Security number of the person who does or may provide care or  
76 services to a child. The response shall include information pertaining to the nature and  
77 disposition of any report or reports of abuse or neglect revealed by the examination of the central  
78 registry. This response shall not include any identifying information regarding any person other  
79 than the alleged perpetrator of the abuse or neglect. The response shall be given within ten  
80 working days of the time it was received by the division;

81 (10) Any person who inquires about a child abuse or neglect report involving a specific  
82 child-care facility, child-placing agency, residential-care facility, public and private elementary  
83 schools, public and private secondary schools, juvenile court or other state agency. The  
84 information available to these persons is limited to the nature and disposition of any report  
85 contained in the central registry and shall not include any identifying information pertaining to  
86 any person mentioned in the report;

87 (11) Any state agency acting pursuant to statutes regarding a license of any person,  
88 institution, or agency which provides care for or services to children;

89 (12) **Any local animal control officer or the department of agriculture when there**  
90 **is reasonable suspicion of animal cruelty, abuse, or neglect. For purposes of this**  
91 **subdivision, "cruelty, abuse, or neglect" has the same meaning as defined in subsection 8**  
92 **of section 210.115;**

93 (13) Any child fatality review panel established pursuant to section 210.192 or any state  
94 child fatality review panel established pursuant to section 210.195;

95 [(13)] (14) Any person who is a tenure-track or full-time research faculty member at an  
96 accredited institution of higher education engaged in scholarly research, with the permission of  
97 the director. Prior to the release of any identifying information, the director shall require the  
98 researcher to present a plan for maintaining the confidentiality of the identifying information.  
99 The researcher shall be prohibited from releasing the identifying information of individual cases.

100 3. Only the following persons shall have access to records maintained by the division  
101 pursuant to section 210.152 for which the division has received a report of child abuse and  
102 neglect and which the division has determined that there is insufficient evidence or in which the  
103 division proceeded with the family assessment and services approach:

104 (1) Appropriate staff of the division;

105 (2) Any child named in the report as a victim, or a legal representative, or the parent or  
106 guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent.  
107 The names or other identifying information of reporters shall not be furnished to persons in this  
108 category. Prior to the release of any identifying information, the division shall determine if the



109 release of such identifying information may place a person's life or safety in danger. If the  
110 division makes the determination that a person's life or safety may be in danger, the identifying  
111 information shall not be released. The division shall provide for a method for confirming or  
112 certifying that a designee is acting on behalf of a subject;

113 (3) Any alleged perpetrator named in the report, but the names of reporters shall not be  
114 furnished to persons in this category. Prior to the release of any identifying information, the  
115 division shall determine if the release of such identifying information may place a person's life  
116 or safety in danger. If the division makes the determination that a person's life or safety may be  
117 in danger, the identifying information shall not be released. However, the investigation reports  
118 will not be released to any alleged perpetrator with pending criminal charges arising out of the  
119 facts and circumstances named in the investigation records until an indictment is returned or an  
120 information filed;

121 (4) Any child fatality review panel established pursuant to section 210.192 or any state  
122 child fatality review panel established pursuant to section 210.195;

123 (5) Appropriate criminal justice agency personnel or juvenile officer;

124 (6) Multidisciplinary agency or individual including a physician or physician's designee  
125 who is providing services to the child or family, with the consent of the parent or guardian of the  
126 child or legal representative of the child;

127 (7) Any person engaged in bona fide research purpose, with the permission of the  
128 director; provided, however, that no information identifying the subjects of the reports or the  
129 reporters shall be made available to the researcher, unless the identifying information is essential  
130 to the research or evaluation and the subject, or if a child, through the child's parent or guardian,  
131 provides written permission.

132 4. Any person who knowingly violates the provisions of this section, or who permits or  
133 encourages the unauthorized dissemination of information contained in the information system  
134 or the central registry and in reports and records made pursuant to sections 210.109 to 210.183,  
135 shall be guilty of a class A misdemeanor.

136 5. Nothing in this section shall preclude the release of findings or information about  
137 cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of  
138 the director of the department of social services, based upon a review of the potential harm to  
139 other children within the immediate family.

**210.1075. 1. As used in this section, unless the context otherwise indicates, the  
2 following terms shall mean:**

3 **(1) "Animal", every living sentient creature not a human being;**

4 **(2) "Cruelty, abuse or neglect", every act, omission or instance of neglect when  
5 unnecessary or unjustifiable pain or suffering is caused or permitted;**

6           (3) "Owner", a person, firm, partnership, association or corporation owning,  
7 keeping or harboring an animal;

8           (4) "Reasonably suspect", to hold an objectively reasonable suspicion based upon  
9 facts that would cause a reasonable person in a like position to draw on that person's  
10 training or experience to suspect animal cruelty, abuse or neglect.

11           2. An employee of a state-funded child or adult protective services agency or other  
12 social service agency, including those providing mental health services that are funded or  
13 licensed by the department, while acting in the employee's professional capacity or within  
14 the scope of the employee's employment, who has knowledge of or observes an animal that  
15 the employee knows or reasonably suspects has been the victim of cruelty, abuse, or neglect  
16 may report the known or reasonably suspected animal cruelty, abuse or neglect to the local  
17 animal control officer or to the department of agriculture.

18           3. Nothing in this section may be construed to impose a duty to investigate known  
19 or reasonably suspected animal cruelty, abuse, or neglect.

20           4. A person participating in good faith in reporting under this section is immune  
21 from any civil or criminal liability that might otherwise result from these actions, including  
22 but not limited to any civil or criminal liability that might otherwise arise under state or  
23 local laws or rules regarding confidentiality of information. In a proceeding regarding  
24 immunity from liability, there is a rebuttable presumption of good faith.

565.188. 1. When any adult day care worker; chiropractor; Christian Science  
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental  
3 health, or health and senior services; employee of a local area agency on aging or an organized  
4 area agency on aging program; funeral director; home health agency or home health agency  
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;  
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term  
7 care facility administrator or employee; medical examiner; medical resident or intern; mental  
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;  
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;  
10 probation or parole officer; psychologist; social worker; or other person with responsibility for  
11 the care of a person sixty years of age or older has reasonable cause to suspect that such a person  
12 has been subjected to abuse or neglect or observes such a person being subjected to conditions  
13 or circumstances which would reasonably result in abuse or neglect, he or she shall immediately  
14 report or cause a report to be made to the department in accordance with the provisions of  
15 sections 660.250 to 660.295. Any other person who becomes aware of circumstances which may  
16 reasonably be expected to be the result of or result in abuse or neglect may report to the  
17 department.

18           2. Any person who knowingly fails to make a report as required in subsection 1 of this  
19 section is guilty of a class A misdemeanor.

20           3. Any person who purposely files a false report of elder abuse or neglect is guilty of a  
21 class A misdemeanor.

22           4. Every person who has been previously convicted of or pled guilty to making a false  
23 report to the department and who is subsequently convicted of making a false report under  
24 subsection 3 of this section is guilty of a class D felony.

25           5. Evidence of prior convictions of false reporting shall be heard by the court, out of the  
26 hearing of the jury, prior to the submission of the case to the jury, and the court shall determine  
27 the existence of the prior convictions.

28           **6. (1) Notwithstanding any other provision of state law imposing a duty of**  
29 **confidentiality, a person listed in subsection 1 of this section may report a reasonable**  
30 **suspicion of animal cruelty, abuse, or neglect to the local animal control officer or to the**  
31 **state department of agriculture.**

32           **(2) For purposes of this subsection, the reporter shall disclose only such limited**  
33 **confidential information as is necessary for the local animal control officer or animal**  
34 **welfare program employee to identify the animal's location and status and the owner's**  
35 **name and address.**

36           **(3) For purposes of this subsection, "cruelty, abuse, or neglect" means every act,**  
37 **omission or instance of neglect when unnecessary or unjustifiable pain or suffering is**  
38 **caused or permitted.**

39           **(4) A person participating in good faith in reporting under this subsection is**  
40 **immune from any civil or criminal liability that may otherwise result from such actions,**  
41 **including, but not limited to, any civil or criminal liability that may otherwise arise under**  
42 **state or local laws or rules regarding confidentiality of information. In a proceeding**  
43 **regarding immunity from liability, there is a rebuttable presumption of good faith.**

44           **7. In addition to those persons and officials required to report actual or suspected**  
45 **abuse or neglect under subsection 1 of this section, any animal control officer may report**  
46 **in accordance with sections 660.250 to 660.295 if such officer has reasonable cause to**  
47 **suspect that a person sixty years of age or older has been subjected to abuse or neglect or**  
48 **observes such a person being subjected to conditions or circumstances which would**  
49 **reasonably result in abuse or neglect.**

          660.263. 1. Reports made pursuant to sections 660.250 to 660.295 shall be confidential  
2 and shall not be deemed a public record and shall not be subject to the provisions of section  
3 109.180 or chapter 610.

4           2. Such reports shall be accessible for examination and copying only to the following  
5 persons or offices, or to their designees:

- 6           (1) The department or any person or agency designated by the department;  
7           (2) The attorney general;  
8           (3) The department of mental health for persons referred to that department;  
9           (4) Any appropriate law enforcement agency, **including but not limited to a local**  
10 **animal control officer or the department of agriculture when there is reasonable suspicion**  
11 **of animal cruelty, abuse, or neglect. For purposes of this subdivision, "cruelty, abuse, or**  
12 **neglect" has the same meaning as defined in subsection 8 of section 210.115; and**  
13           (5) The eligible adult or his legal guardian.

14           3. The name of the reporter shall not be disclosed unless:

- 15           (1) Such reporter specifically authorizes disclosure of his name; and  
16           (2) The department determines that disclosure of the name of the reporter is necessary  
17 in order to prevent further harm to an eligible adult.

18           4. Any person who violates the provisions of this section, or who permits or encourages  
19 the unauthorized dissemination of information contained in the central registry and in reports and  
20 records made pursuant to sections 660.250 to 660.295, shall be guilty of a class A misdemeanor.

21           5. The department shall maintain a central registry capable of receiving and maintaining  
22 reports received in a manner that facilitates rapid access and recall of the information reported,  
23 and of subsequent investigations and other relevant information. The department shall  
24 electronically record any telephone report of suspected abuse and neglect received by the  
25 department and such recorded reports shall be retained by the department for a period of one year  
26 after recording.

27           6. Although reports to the central registry may be made anonymously, the department  
28 shall in all cases, after obtaining relevant information regarding the alleged abuse or neglect,  
29 attempt to obtain the name and address of any person making a report.

660.300. 1. When any adult day care worker; chiropractor; Christian Science  
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental  
3 health, or health and senior services; employee of a local area agency on aging or an organized  
4 area agency on aging program; funeral director; home health agency or home health agency  
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;  
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term  
7 care facility administrator or employee; medical examiner; medical resident or intern; mental  
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;  
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;  
10 probation or parole officer; psychologist; or social worker has reasonable cause to believe that

11 an in-home services client has been abused or neglected, as a result of in-home services, he or  
12 she shall immediately report or cause a report to be made to the department. If the report is made  
13 by a physician of the in-home services client, the department shall maintain contact with the  
14 physician regarding the progress of the investigation.

15 2. When a report of deteriorating physical condition resulting in possible abuse or  
16 neglect of an in-home services client is received by the department, the client's case manager and  
17 the department nurse shall be notified. The client's case manager shall investigate and  
18 immediately report the results of the investigation to the department nurse. The department may  
19 authorize the in-home services provider nurse to assist the case manager with the investigation.

20 3. If requested, local area agencies on aging shall provide volunteer training to those  
21 persons listed in subsection 1 of this section regarding the detection and report of abuse and  
22 neglect pursuant to this section.

23 4. Any person required in subsection 1 of this section to report or cause a report to be  
24 made to the department who fails to do so within a reasonable time after the act of abuse or  
25 neglect is guilty of a class A misdemeanor.

26 5. The report shall contain the names and addresses of the in-home services provider  
27 agency, the in-home services employee, the in-home services client, the home health agency, the  
28 home health agency employee, information regarding the nature of the abuse or neglect, the name  
29 of the complainant, and any other information which might be helpful in an investigation.

30 6. In addition to those persons required to report under subsection 1 of this section, any  
31 other person, **including but not limited to an animal control officer**, having reasonable cause  
32 to believe that an in-home services client or home health patient has been abused or neglected  
33 by an in-home services employee or home health agency employee may report such information  
34 to the department.

35 7. If the investigation indicates possible abuse or neglect of an in-home services client  
36 or home health patient, the investigator shall refer the complaint together with his or her report  
37 to the department director or his or her designee for appropriate action. If, during the  
38 investigation or at its completion, the department has reasonable cause to believe that immediate  
39 action is necessary to protect the in-home services client or home health patient from abuse or  
40 neglect, the department or the local prosecuting attorney may, or the attorney general upon  
41 request of the department shall, file a petition for temporary care and protection of the in-home  
42 services client or home health patient in a circuit court of competent jurisdiction. The circuit  
43 court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order  
44 granting the department authority for the temporary care and protection of the in-home services  
45 client or home health patient, for a period not to exceed thirty days.

46 8. Reports shall be confidential, as provided under section 660.320.

47           9. Anyone, except any person who has abused or neglected an in-home services client  
48 or home health patient, who makes a report pursuant to this section or who testifies in any  
49 administrative or judicial proceeding arising from the report shall be immune from any civil or  
50 criminal liability for making such a report or for testifying except for liability for perjury, unless  
51 such person acted negligently, recklessly, in bad faith, or with malicious purpose.

52           10. Within five working days after a report required to be made under this section is  
53 received, the person making the report shall be notified in writing of its receipt and of the  
54 initiation of the investigation.

55           11. No person who directs or exercises any authority in an in-home services provider  
56 agency or home health agency shall harass, dismiss or retaliate against an in-home services client  
57 or home health patient, or an in-home services employee or a home health agency employee  
58 because he or any member of his or her family has made a report of any violation or suspected  
59 violation of laws, standards or regulations applying to the in-home services provider agency or  
60 home health agency or any in-home services employee or home health agency employee which  
61 he has reasonable cause to believe has been committed or has occurred.

62           12. Any person who abuses or neglects an in-home services client or home health patient  
63 is subject to criminal prosecution under section 565.180, 565.182, or 565.184. If such person  
64 is an in-home services employee and has been found guilty by a court, and if the supervising  
65 in-home services provider willfully and knowingly failed to report known abuse by such  
66 employee to the department, the supervising in-home services provider may be subject to  
67 administrative penalties of one thousand dollars per violation to be collected by the department  
68 and the money received therefor shall be paid to the director of revenue and deposited in the state  
69 treasury to the credit of the general revenue fund. Any in-home services provider which has had  
70 administrative penalties imposed by the department or which has had its contract terminated may  
71 seek an administrative review of the department's action pursuant to chapter 621. Any decision  
72 of the administrative hearing commission may be appealed to the circuit court in the county  
73 where the violation occurred for a trial de novo. For purposes of this subsection, the term  
74 "violation" means a determination of guilt by a court.

75           13. The department shall establish a quality assurance and supervision process for clients  
76 that requires an in-home services provider agency to conduct random visits to verify compliance  
77 with program standards and verify the accuracy of records kept by an in-home services employee.

78           14. The department shall maintain the employee disqualification list and place on the  
79 employee disqualification list the names of any persons who have been finally determined by the  
80 department, pursuant to section 660.315, to have recklessly, knowingly or purposely abused or  
81 neglected an in-home services client or home health patient while employed by an in-home  
82 services provider agency or home health agency. For purposes of this section only, "knowingly"

83 and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts  
84 "knowingly" with respect to the person's conduct when a reasonable person should be aware of  
85 the result caused by his or her conduct. A person acts "recklessly" when the person consciously  
86 disregards a substantial and unjustifiable risk that the person's conduct will result in serious  
87 physical injury and such disregard constitutes a gross deviation from the standard of care that a  
88 reasonable person would exercise in the situation.

89 15. At the time a client has been assessed to determine the level of care as required by  
90 rule and is eligible for in-home services, the department shall conduct a "Safe at Home  
91 Evaluation" to determine the client's physical, mental, and environmental capacity. The  
92 department shall develop the safe at home evaluation tool by rule in accordance with chapter  
93 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate  
94 level of services and professionals involved in the client's care. The plan of service or care for  
95 each in-home services client shall be authorized by a nurse. The department may authorize the  
96 licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of  
97 the client's condition and to establish a plan of services or care. The department may use the  
98 expertise, services, or programs of other departments and agencies on a case-by-case basis to  
99 establish the plan of service or care. The department may, as indicated by the safe at home  
100 evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for  
101 evaluation and treatment as necessary.

102 16. Authorized nurse visits shall occur at least twice annually to assess the client and the  
103 client's plan of services. The provider nurse shall report the results of his or her visits to the  
104 client's case manager. If the provider nurse believes that the plan of service requires alteration,  
105 the department shall be notified and the department shall make a client evaluation. All  
106 authorized nurse visits shall be reimbursed to the in-home services provider. All authorized  
107 nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients  
108 whose services have reached one hundred percent of the average statewide charge for care and  
109 treatment in an intermediate care facility, provided that the services have been preauthorized by  
110 the department.

111 17. All in-home services clients shall be advised of their rights by the department or the  
112 department's designee at the initial evaluation. The rights shall include, but not be limited to, the  
113 right to call the department for any reason, including dissatisfaction with the provider or services.  
114 The department may contract for services relating to receiving such complaints. The department  
115 shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and  
116 neglect hotline.

117 18. Subject to appropriations, all nurse visits authorized in sections 660.250 to 660.300  
118 shall be reimbursed to the in-home services provider agency.

119           **19. (1) Notwithstanding any other provision of state law imposing a duty of**  
120 **confidentiality, a person listed in subsection 1 of this section may report a reasonable**  
121 **suspicion of animal cruelty, abuse, or neglect to the local animal control officer or to the**  
122 **state department of agriculture.**

123           **(2) For purposes of this subsection, the reporter shall disclose only such limited**  
124 **confidential information as is necessary for the local animal control officer or animal**  
125 **welfare program employee to identify the animal's location and status and the owner's**  
126 **name and address.**

127           **(3) For purposes of this subsection, "cruelty, abuse, or neglect" means every act,**  
128 **omission or instance of neglect when unnecessary or unjustifiable pain or suffering is**  
129 **caused or permitted.**

130           **(4) A person participating in good faith in reporting under this subsection is**  
131 **immune from any civil or criminal liability that may otherwise result from such actions,**  
132 **including, but not limited to, any civil or criminal liability that may otherwise arise under**  
133 **state or local laws or rules regarding confidentiality of information. In a proceeding**  
134 **regarding immunity from liability, there is a rebuttable presumption of good faith.**

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